



TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

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Part VI—Section 1

Notifications of interest to the General Public
issued by Heads of Departments, Etc.

NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

THE COMMISSIONER OF FOOD SAFETY AND DRUG ADMINISTRATION, TAMIL NADU

BAN OF MANUFACTURE, STORAGE, TRANSPORT, DISTRIBUTION, OR SALE OF CHEWABLE FOOD PRODUCTS, GUTKHA, PANMASALA, CONTAINING TOBACCO AND NICOTINE AS "INGREDIENTS" IN THE STATE OF TAMIL NADU FOR A PERIOD OF ONE YEAR FROM 23rd MAY 2021 UNDER THE FOOD SAFETY AND DRUG ADMINISTRATION ORDER.

(No. 1418/2013/S12/FSD)

No.VI(1)/152(a-1)/2021.

WHEREAS REGULATION 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on sales) Regulations, 2011 made by the Food Safety and Standards Authority of India in exercise of the powers conferred by clause (i) of sub-section (2) of Section 92 read with Section 26 of Food Safety and Standards Act, 2006 (Central Act 34 of 2006) prohibit as tobacco and nicotine shall not be used as ingredients in any food products, as they are injurious to health:

AND WHEREAS, any article of food as defined in Section 3 (1) (j) of Food Safety and Standards Act 2006;

AND WHEREAS, "ingredient" means any substance, including a food additive used in the manufacture or preparation of food and present in the final product, possibly in a modified form as per Section 3 (1) (y) of Food Safety and Standards Act 2006, Rule 1.2.1 of the Food Safety and Standards (Prohibition and Restrictions on sales) Regulations, 2011;

AND WHEREAS, food containing tobacco and nicotine as "ingredient" are widely used now-a-days which are easily available in different brand names for sale in the market. For which school students, children, younger, coolies and hard labourers are affected and caused injurious to their health;

AND WHEREAS, Gutkha and Panmasala are food products in which tobacco and nicotine are widely used as ingredients now-a-days;

AND WHEREAS, it is expedient to prohibit Gutkha and Panmasala in the State of Tamil Nadu, being food products in which tobacco and nicotine are widely used as ingredients;

AND WHEREAS, consumption of the above such products will endanger human health and well being and whereas, if consumption of these food articles is allowed without prohibition the well being of current and future generation will be compromised and hence it has to be prohibited.

[1]

The Hon'ble Supreme Court of India in Central ARECANUT Marketing Corporation and Others *vs* Union of India (Transfer case (c) 1 of 2010) in its order dated 23.09.2016 observed that to circumvent the ban on the sale of Gutkha, the manufacturers are selling pan masala (without tobacco) with flavoured chewing tobacco in separate sachets but often conjoint and sold together by the same vendors from the same premises, so that consumers can buy the pan masala and flavoured chewing tobacco and mix them both and consume the same. Hence, instead of the earlier "ready to consume mixes", chewing tobacco companies are selling Gutkha in twin packs to be mixed as one".

The Hon'ble Supreme Court of India in view of the above has directed the concerned statutory authorities to comply with the above mandate of law of regulation 2.3.4 and directed the Secretaries, health department of all the States and Union Territories to ensure total compliance of the ban imposed on manufacturing and sale of Gutkha and Panmasala with tobacco and/ or nicotine.

On compliance of the directions given by the Hon'ble Supreme Court of India, in its interim order dated 23.09.2016 in Transfer Case (civil) No. 1/2010, The FSSAI's issued a letter dated 5th October 2016 and 9th October, 2017 *vide* file No 13(25)2017/Tobacco Issues/RCD/FSSAI, The Secretary Department of Health and Family Welfare, Government of India issued a letter dated 5th December 2016 *vide* D.O.No. 16019/2/2014-PH-I, and in pursuance of regulation 2.3.4 of the Food Safety And Standards (Prohibition and Restrictions on Sales) Regulation, 2011, manufacture, storage, transport, distribution or sale of all food products chewable or otherwise, which is either flavoured, scented or mixed with any of the said additives, and whether going by the name or form of gutka, pan masala, flavoured or scented chewable food products, by whatsoever names called, whether packaged or unpackaged and/or sold as one product, or though packaged as separate products, sold or distributed in such a manner so as to easily facilitate mixing by the consumer which contains tobacco and / or nicotine as ingredients.

NOW THEREFORE, in exercise of the powers conferred by clause (a) of sub-Section (2) of Section 30 of the Food Safety and Standards Act, 2006 (Central Act 34 of 2006), the Commissioner of Food Safety of the State of Tamil Nadu, in the interest of public health, hereby prohibits the manufacture, storage, transport, distribution or sale of all food products chewable or otherwise which is either flavoured or scented or mixed with any of the said additives, and whether going by the name or form of gutkha, pan masala, flavoured or scented food products or chewable food products by whatsoever name called, whether packaged or unpackaged and/ or sold as one product, or though packaged as separate products, sold or distributed in such a manner so as to easily facilitate mixing by the consumer and any other food products **containing tobacco and/ or nicotine as ingredients**, by whatsoever name it is available in the whole of the State of Tamil Nadu for a further period of one year with effect from 23.05.2021.

Chennai,
23rd May 2021.

P. SENTHILKUMAR,
*Commissioner of Food Safety and
Drug Administration (FAC.)*